

1614  
#3

ATTORNEY DOCKET NO. LEBV.008.01US

RECEIVED  
JAN 09 2001  
USPTO CENTER 1600/2900

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noteborn, *et al.*  
Serial No.: 09/655,109  
Filed: September 5, 2000  
For: APOPTIN-ASSOCIATING PROTEIN

)  
) Examiner: Not Yet Assigned  
)  
) Art Unit: 1614  
)  
) INFORMATION DISCLOSURE  
)  
) STATEMENT TRANSMITTAL  
)

Assistant Commissioner of Patent  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the above-identified application is:

- [X] An Information Disclosure Statement.  
[X] A PTO 1449.  
[X] Copies of references A1, B1-B3 and C1-C11, listed on the PTO 1449 form.  
[ ] English translation of foreign language reference(s).  
[ ] Copy of foreign examination report.  
[ ] English translation of foreign examination report.

## CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846000705  
Date of Deposit: 01/03/01

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX DD, Assistant Commissioner of Patents, Washington, D.C., 20231.

(Signature)

(Printed Name)

*JuCP*  
Francis Guerra

- Return postcard (postage prepaid).
- Also transmitted is: Search reports for priority documents EP 99202858.9 and EP 99203465.2

1.  This Information Disclosure Statement is filed before the later of:
  - three months from the filing date of this national application;
  - three months from the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or
  - the mailing date of a first office action on the merits.
- In accordance with 37 CFR 1.97(b), no fee is required.
2.  This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
  - (1) a final action under 37 CFR 1.113; or
  - (2) a Notice of Allowance under 37 CFR 1.311. In accordance with 37 CFR 1.97(c) also enclosed is:
  - a fee under 37 CFR 1.17(p) in the amount of \$210; or
  - a certification as stated below.
3.  This Information Disclosure statement is filed before the payment of the issue fee, but after either:
  - (1) a final action under 37 CFR 1.113; or
  - (2) a Notice of Allowance under 37 CFR 1.311. In accordance with 37 CFR 1.97(d) also enclosed is:
  - (1) A certification, as stated below;

- (2) A Petition requesting consideration of the Information Disclosure Statement; and
- (3) The petition fee set forth in 37 CFR 1.17(i)(1) in the amount of \$130.

Certification

The undersigned also states:

- [ ] Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- [ ] No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

The fees indicated above are:

**TOTAL FEES: \$ -0-**

- [ ] A check including the amount of the above indicated TOTAL FEES is attached.
- [ ] Please charge Deposit Account No. 23-0796 in the amount of: \$ \_\_\_\_\_.
- [ ] A check in the amount of \$ \_\_\_\_\_ is attached.
- [X] No fee is required.
- [X] The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 23-0796.
  - [X] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - [X] Any patent application processing fees under 37 CFR 1.17.

A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

RECEIVED  
JAN 09 2001  
RECEIVED 10002300

Dated: 3 January, 2001

Jennifer Wahlsten  
Jennifer L. Wahlsten, Ph.D.  
Reg. No. 46,226

Rae-Venter Law Group  
P.O. Box 60039  
Palo Alto, CA 94306-0039  
Telephone (650) 328-4400  
Facsimile (650) 328-4477  
BRV/JLW



PATENT

ATTORNEY DOCKET NO.LEBV.008.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noteborn, *et al.* ) Examiner: Not yet assigned  
Serial No.: 09/655,109 )  
Filed: September 5, 2000 ) Art Unit: 1614  
For: APOPTIN-ASSOCIATING PROTEIN )  
 ) **INFORMATION DISCLOSURE**  
 ) **STATEMENT**  
 )  
 )  
 )

BOX DD  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. Applicants submit herewith copies of references A1, B1-B3 and C1-C11, listed on the Form PTO-1449. Applicants also provide copies of the Search Reports for priority applications EP 99202858.9 and EP 99203465.2.

RECEIVED  
JAN 09 2001  
TECH CENTER 1600/2900

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846007US  
Date of Deposit: 01/03/01

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX DD, Assistant Commissioner for Patents, Washington, D.C., 20231.

J. C. L.  
(Signature)

Francis Benn  
(Printed Name)

Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: 3 January, 2001

  
\_\_\_\_\_  
Jennifer Wahlsten, Ph.D.  
Reg. No. 46,226

RAE-VENTER LAW GROUP, P.C.  
P.O. Box 60039  
Palo Alto, CA 94306-0039  
Telephone (650) 328-4400  
Facsimile (650) 328-4477

BRV/JLW

RECEIVED  
JAN 09 2001  
TECH CENTER 1600/2800

PATENT

DOCKET NO. LEBV.008.01US

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



FORM PTO-1449 (Modified)  
LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)

Sheet 1 of 2

**RECEIVED**  
JAN 09 2001  
TECH CENTER 1600/2900

In re the application of: Noteborn, *et al.* ] Art Unit: 1614

Serial No. 09/655,109 ] Examiner: Not Yet Assigned

Filed: September 5, 2000

**U.S. PATENT DOCUMENTS**

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	Date	Name	Class/ Subclass	Filing <u>Date</u>
A1		5,491,073	2/13/1996	Noteborn and deBoer	435/69.1	9/11/1991

**FOREIGN PATENT DOCUMENTS**

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	Date	Country	Class/ Subclass	Filing Date
B1		WO 96/41191	12/19/1996	PCT		6/7/1996
B2		WO 98/46760	10/22/1998	PCT		4/15/1998
B3		WO 99/08108	2/18/1999	PCT		8/11/1998

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)**

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document
C1		Danen-Van Oorschot, <i>et al.</i> (1997) "Apoptin induces apoptosis in human transformed and malignant cells but not in normal cells." <i>Proc Natl Acad Sci, USA</i> : 94, 5843-5847.
C2		Danen-Van Oorschot, <i>et al.</i> (1997) "BAG-1 inhibits p53-induced but not apoptin-induced apoptosis." <i>Apoptosis</i> 2, 395-402.
C3		Garcia, <i>et al.</i> (1999) "RYBP, a new repressor protein that interacts with components of the mammalian polycomb complex, and with the transcription factor YY1." <i>EMBO J</i> 18,

Examiner:	Date Considered:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

PATENT

DOCKET NO. LEBV.008.01US



COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FORM PTO-1449 (Modified)  
LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)

Sheet 2 of 2

In re the application of: Noteborn, *et al.*

]

Art Unit: 1614

Serial No. 09/655,109

]

Examiner: Not Yet Assigned

Filed: September 5, 2000

3404-3418.

- C4 Kerr, *et al.* (1994) "Apoptosis: Its significance in cancer and cancer therapy." *Cancer* 73, 2013-2026.
- C5 Levine, A.J. (1997) "p53, the cellular gatekeeper for growth and division." *Cell* 88, 323-331.
- C6 Noteborn, *et al.* (1991) "Characterization of cloned chicken anemia virus DNA that contains all elements for the infectious replication cycle." *J Virol* 65, 3131-3139.
- C7 Noteborn, *et al.* (1994) "A single chicken anemia virus protein induces apoptosis." *J Virol* 68, 346-351.
- C8 Noteborn, *et al.* (1998) "Chicken anemia virus: Induction of apoptosis by a single protein of a single-stranded DNA virus." *Seminars in Virology* 8, 497-504.
- C9 Paulovich, *et al.* (1997) "When checkpoints fail." *Cell* 88, 315-321.
- C10 Pietersen *et al.* (1999) "Specific tumor-cell killing with adenovirus vectors containing the apotin gene." *Gene Therapy* 6, 882-892.
- C11 Zhuang, *et al.* (1995) "Apotin, a protein derived from chicken anemia virus, induces a p53-independent apoptosis in human osteosarcoma cells." *Cancer Research* 55, 486-489.

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.